



**8-1**  
**COUNTY OF SAN LUIS OBISPO**  
**DEPARTMENT OF PLANNING AND BUILDING**  
**STAFF REPORT**

**SUBDIVISION REVIEW BOARD**

*Promoting the wise use of land  
Helping build great communities*

<b>MEETING DATE</b> March 6, 2006	<b>CONTACT/PHONE</b> Ryan Hostetter (805) 788-2351	<b>APPLICANT</b> Stephen Kirst & Dale Guerra	<b>FILE NO.</b> COAL 05-0081 SUB2005-00098
<b>SUBJECT</b> Request by Stephen Kirst and Dale Guerra for a Lot Line Adjustment (COAL05-0081) to adjust the lot lines between 3 parcels of 2.25, 323, and 140 acres each. The adjustment will result in 2 parcels of 355 acres and 110 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Agriculture land use category and is located at 1835 Atascadero Road (Hwy 41) and 2229 Atascadero Road approximately 2 miles east of the City of Morro Bay. The site is in the Estero planning area.			
<b>RECOMMENDED ACTION</b> Approve Lot Line Adjustment COAL 05-0081 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
<b>ENVIRONMENTAL DETERMINATION</b> A General Rule Exemption (pursuant to CEQA Section 15061 b 3) was issued on February 8, 2006.			
<b>LAND USE CATEGORY</b> Agriculture	<b>COMBINING DESIGNATION</b> Sensitive Resource Area, Sensitive Riparian Vegetation, Local Coastal Program, Geologic Study Area, Flood Hazard Area	<b>ASSESSOR PARCEL NUMBER</b> 073-031-001 & 073-069-005	<b>SUPERVISOR DISTRICT(S)</b> 2
<b>PLANNING AREA STANDARDS:</b> None Applicable			
<b>LAND USE ORDINANCE STANDARDS:</b> Minimum Parcel Size, Sensitive Resource Area, Sensitive Riparian Vegetation, Local Coastal Program, Geologic Study Area, Flood Hazard Area			
<b>EXISTING USES:</b> Agriculture with one residence and farm support units			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <i>North:</i> Agriculture/ grazing <i>East:</i> Agriculture/ grazing & orchards <i>South:</i> Agriculture/ orchard <i>West:</i> Agriculture/ orchard			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Ag Commissioner, Cal Trans, California Coastal Commission, and the Regional Water Quality Control Board	
TOPOGRAPHY: Slightly sloping to steeply sloping	VEGETATION: Grasses, seasonal crops,
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: February 2, 2006

#### ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between three legal parcels as follows:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
2.25 (parcel 2)	Parcel being absorbed into parcel 1
140 (parcel 3)	110 (parcel 3)
323 (parcel 1)	355 (parcel 1)

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The adjustment will result in the reconfiguration of three parcels to combine the small 2.25 non-conforming agricultural parcel with the larger parcel directly to the west (parcel 1), and to move the line between parcels 1 and 3 to the east which will add approximately 32 acres to parcel 1 for agricultural purposes. This lot line adjustment is a better situation than the current configuration because it increases the agricultural viability of these properties by removing a small property with prime agricultural soils and adding approximately 32 acres to parcel 1 which will be farmed by the owner of parcel 1 (Dale Guerra).

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COAL05-0081/Kirst & Guerra  
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*SB 497*

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because the existing non-conforming 2.25 acre parcel (parcel 2) which is entirely located on prime agricultural soils will be added to Parcel 1, and the line will be adjusted to the east to include 32 acres which will be absorbed into parcel 1, the configuration will be better than the existing situation. The existing size of parcel 3 (APN 073-031-001) is 140 acres and after the lot line adjustment will be 110 acres which is conforming under the current standards for an agricultural parcel which contains irrigated row crops. This project complies with the current general plan and ordinance regulations as proposed.

*Section 23.07.164 - Sensitive Resource Area*

Following are the required findings for development located within a Sensitive Resource Area:

1. *The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design.*
2. *Natural features and topography have been considered in the design and siting of all proposed physical improvements.*
3. *Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.*
4. *The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designated to prevent soil erosion, and sedimentation of streams through undue surface runoff.*

The proposed lot line adjustment involves properties that include a coastal stream (the stream is located on the existing property line between parcels 1 and 2). Currently one side of existing parcel 2 (which is 2.25 acres) is entirely covered by the stream, and if this parcel were to remain could potentially contain a single family home within 100 feet of the stream. However, this lot line adjustment will result in the 2.25 acre parcel being absorbed into parcel 1 which will remove development potential within a close proximity of the stream. This project increases protection of the stream on site as development potential will be reduced through this lot line adjustment.

*Section 23.07.174 - Streams and Riparian Vegetation*

"Development adjacent to a coastal stream shall be sited and designed to protect the habitat and shall be compatible with the continuance of such habitat." The proposed project does not include improvements or development near a coastal stream.

*Section 23.07.120 - Local Coastal Plan*

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

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#### STAFF COMMENTS

The existing parcel (no. 1 on the map, APN 073-069-015) contains three residences which is not conforming with the standards for the Agriculture land use category of the Coastal Zone Land Use Ordinance. Based on our review, one of those residences is the primary (which they are allowed a single primary on this property), the second is an approved farm support quarters, and the third is a non-conforming home. The applicants have submitted a Minor Use Permit (DRC2005-00107) to use this third home as a farm support quarters. This MUP must be approved before recordation of this lot line adjustment (see condition no. 10).

#### COASTAL PLAN POLICIES:

##### **Shoreline Access:**

*Policy 2: New Development shall provide access to the beach. The proposed project is consistent with this policy because it is not inhibiting access to the beach. This project is not located near the coastline.*

##### **Environmentally Sensitive Habitats:**

*Policy 1: Land Uses within or adjacent to Environmentally Sensitive Habitats. The project is located within an environmentally sensitive habitat area, and the project has been designed to least impact the sensitive habitat area.*

*Policy 2: Permit requirements. The project as proposed will not have a significant impact on the sensitive habitat and is consistent with the biological continuance of the habitat because the proposed project will reduce development potential adjacent to a coastal stream by removing parcel 2.*

*Policy 18: Coastal Streams and Riparian Vegetation. This project as proposed will not have a negative impact on the riparian vegetation located on the property.*

*Policy 19: Development in or adjacent to a coastal stream. The proposed project will not degrade the coastal habitat and will be compatible with the continuance of the habitat.*

*Policy 24: Riparian Vegetation. This project will not have a negative impact on the riparian vegetation located on the property.*

##### **Visual and Scenic Resources:**

*Policy 7: Preservation of Trees and Native Vegetation: The proposed project is consistent with this policy because the proposed lot line adjustment will not impact native vegetation, and will reduce impacts to the existing stream as development potential will be removed with the removal of parcel 2.*

#### LEGAL LOT STATUS:

The three existing lots were legally created by certificates of compliance CO 05-0160 (for parcels 2 and 3) and parcel 1 was legally created by a parcel map (pm55-45) at a time when that was a legal method of creating lots.

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## FINDINGS - EXHIBIT A

### *Lot Line Adjustment*

- A. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the new parcel configuration will remove a non-conforming 2.25 agricultural parcel, and adjust the line in between parcels 1 and 3 to include 32 acres with parcel 1. The proposed parcels are in compliance with minimum parcel sizes for the Agricultural Land Use Category.
- B. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- C. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.

### *Coastal Access*

- D. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

### *CEQA Exemption*

- E. The project qualifies for a General Rule Exemption (ED05-318) pursuant to CEQA Guidelines Section 15061(b)(3) because the lot line adjustment as proposed will have no negative environmental impacts.

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**CONDITIONS - EXHIBIT B**

1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
  - a. All public utility easements.
  - b. All approved street names.
2. Any private easements described in the title report must be shown on the map, with recording data.
3. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
5. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
6. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
8. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
9. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action
10. The third residence (other then the existing primary residence and existing farm support quarters) on lot 1 be removed or brought into conformance with the Land Use Ordinance prior to the recordation of the map or certificates of compliance which effectuate the adjustment.

Staff report prepared by Ryan Hostetter and reviewed by Matt Janssen.



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**San Luis Obispo County**  
**Department of Planning and Building**  
***environmental division***

**NOTICE OF EXEMPTION**

ENVIRONMENTAL DETERMINATION NO. 05-318

DATE: 02/08/06

**PROJECT DESCRIPTION**

ENTITLEMENT & P/D NO:

LOCATION: 1835 Atascadero Road (Hwy 41) and 2229 Atascadero Road

PROPOSED USES/INTENT: Request by Stephen Kirst and Dale Guerra for a Lot Line Adjustment (COAL05-0081) to adjust the lot lines between 3 parcels of 2.25, 323, and 140 acres each. The adjustment will result in 2 parcels of 355 acres and 110 acres each. The project will not result in the creation of any additional parcels.

APPLICANT: Stephen Kirst & Dale Guerra

**EXEMPT STATUS/FINDINGS**

This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment, therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]

**REASONS WHY PROJECT IS EXEMPT**

This project will not have a negative impact on the environment because the lot line adjustment will remove an existing non-conforming 2.25 acre parcel which is located adjacent to an existing stream, and merge it with the existing larger agricultural parcel, and because of this the development potential for these properties is reduced. The adjustment will also move the existing line to the east which will add approximately 32 acres to the larger agricultural property owned by Dale Guerra (from the Kirst property).

**ADDITIONAL INFORMATION**

Additional information pertaining to this notice of exemption may be obtained by reviewing the second page of this document and by contacting the Environmental Coordinator, County Government Center, San Luis Obispo, CA 93405, (805) 781-5600.

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## REVIEW FOR EXEMPTION / ENVIRONMENTAL CHECKLIST

Project Title & No: Kirst and Guerra LLA SUB2005-00098

Pursuant to section 15061 of the State California Environmental Quality Act (CEQA) Guidelines, the preliminary review of a project includes a determination as to whether a project is exempt from CEQA. This checklist represents a summary of this project's review for exemption.

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <u>YES</u> | <u>NO</u>    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|--------------|
| 1. Does this project fall within any exempt class as listed in sections 15301 through 15329 of the State CEQA Guidelines?                                                                                                                                                                                                                                                                                                                                | ___        | ___ <u>X</u> |
| 2. Is there a reasonable possibility that the project could have a significant effect on the environment due to unusual circumstances?                                                                                                                                                                                                                                                                                                                   | ___        | ___ <u>X</u> |
| 3. Is the project inconsistent with any Federal, State, or local law or administrative requirement relating to the environment?                                                                                                                                                                                                                                                                                                                          | ___        | ___ <u>X</u> |
| 4. Will the project involve substantial public controversy regarding environmental issues?                                                                                                                                                                                                                                                                                                                                                               | ___        | ___ <u>X</u> |
| 5. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | ___        | ___ <u>X</u> |
| 6. Does the project have the potential to achieve short-term environmental goals to the disadvantage of achieving long-term environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)                                                                                                                                 | ___        | ___ <u>X</u> |
| 7. Does the project have adverse impacts which are individually insignificant, but cumulatively significant? Cumulatively significant means that the incremental effects of an individual project are substantially adverse when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.                                                                             | ___        | ___ <u>X</u> |
| 8. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?                                                                                                                                                                                                                                                                                                              | ___        | ___ <u>X</u> |

On the basis of this initial evaluation, I find that the proposed project does not have the potential to cause a significant effect on the environment, and is therefore exempt from CEQA.

  
 Ellen Carroll, Environmental Coordinator

02/09/2006

Date





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COUNTY OF SAN LUIS OBISPO

**Department of Agriculture/Measurement Standards**

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556  
ROBERT F. LILLEY (805) 781-5910  
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

**DATE:** February 8, 2006

**TO:** Ryan Hostetter, Coastal Planning Team

**FROM:** Michael J. Isensee, Agricultural Department *mqd*

**SUBJECT:** Kirst LLA Sub2005-00098 Ag Dept #1089

The County Department of Agriculture finds that the proposed lot line adjustment (LLA) adjustment is *better than* the existing configuration of the lot lines. This determination is based on a comparison of the proposed and existing parcels when considering potential long-term impacts to agricultural resources and operations.

The comments and recommendations in our report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

Please contact me at 781-5753 with any additional questions not answered by the attached report.

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## PROJECT DESCRIPTION AND SETTING

The applicant proposes to merge and reconfigure three existing parcels of approximately 323, 2.25 and 140 acres (current parcels 1, 2, and 3, respectively) to create two parcels of approximately 355 and 110 acres (proposed parcels 1 and 2, respectively). The proposed LLA is located on Highway 41 approximately two and one-quarter miles east of the City of Morro Bay.

The parcels involved in the proposed lot line adjustment, as well as all surrounding parcels, are zoned *Agriculture*. Both the 323-acre parcel (parcel 1) and numerous adjoining properties are under Land Conservation Act (Williamson Act) contracts.

## AGRICULTURAL INFORMATION

The project property is in the Morro Creek valley, an area with significant amounts of intensified agricultural operations (orchards and row crops) and rangeland. The project site and the larger Morro Creek area historically were utilized for dairying.

The large parcels involved in the proposed lot line adjustment (LLA) are currently actively farmed. Current parcel 1 functions as part of a cattle-grazing operation and approximately 22 acres of this parcel are planted with orchard (avocado and citrus). Current parcel 3 is planted with a 13-acre avocado orchard and 35 acres of row crops. All production agriculture on parcel 3 currently occurs on the south side of Highway 41, while the portion of the parcel on the north side of the highway is leased for grazing. Production on parcel 1 is located on both sides of Highway 41. The small 2.25-acre parcel is not currently utilized for production agriculture. Portions of all three parcels have in the past been utilized to grow feed hay.

Soil Code	Soil Name and Slope	Soil Capability		Current Parcels			Proposed Parcels	
		IRR	NON	1	2	3	1	2
				Acres of soil on each parcel				
110	BRIONES-TIERRA COMPLEX, 15-30%	VI	VI	12			12	
128	CROPLEY CLAY, 2-9%	II (P)	III			8		8
131	DIABLO AND CIBO CLAYS, 15-30%	IV	IV	17			17	
132	DIABLO AND CIBO CLAYS, 30-50%	VI	VI			11		11
142	GAVIOTA FINE SANDY LOAM, 15-50%	VII	VII	3			3	
148	LODO CLAY LOAM, 15-30%	IV	IV	68		43	82	29
149	LODO CLAY LOAM, 30-50%	VI	VI	86	1	1	88	<1
150	LODO CLAY LOAM, 50-75%	VII	VII	5			5	
160	LOS OSOS LOAM, 15-30%	VI	VI	5			5	
161	LOS OSOS LOAM, 30-50%	VII	VII	49			49	
165	LOS OSOS-DIABLO COMPLEX, 30-50%	VII	VII			1		1
170	MARIMEL SILTY CLAY LOAM, DRAINED, NA	I (P)	III	33		54	33	54
183	OBISPO-ROCK OUTCROP COMPLEX, 15-75%	VII/VIII	VII/VIII	43			43	
198	SALINAS SILTY CLAY LOAM, 2-9%	II (P)	III	8	2	17	24	3
TOTALS				329	3	135	361	106

Prime soils are shown in italics

\* All acreages are approximate based on GIS data from the NRCS (soils) and SLO County Planning Dept (parcels)

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The soils across the three parcels are diverse and include 122 acres of potentially prime soils and 345 acres of other soil types. Under the current parcel configuration, parcel 1 includes 41 acres of prime soil, while parcel 2 includes 2 acres and parcel 3 includes 79 acres. The proposed merger and reconfiguration places 57 acres of prime soil on parcel 1 and 65 acres on parcel 2.

## PROJECT ANALYSIS

The Agriculture Department considers several factors when evaluating LLAs.

- Configuration of the property lines

The proposed LLA proposes two separate actions. First, the LLA eliminates one existing substandard parcel, merging current parcel 2 with parcel 1. Current parcel 2 consists primarily of prime soils and is located in a flood hazard area. Second, the LLA moves the existing parcel line from its current location where it divides prime soils and creates a configuration that is not beneficial for agricultural operations. The proposed parcel boundary runs along an existing ridgeline, which provides a more logical property divide for agricultural operations. The proposal would place two solid blocks of farmable prime soils (of approximately 5 and 7 acres) as well as additional prime soils located in the riparian zone (approximately 4 acres) onto a single property (parcel 1). The proposed LLA is *an improvement over* the current configuration in this respect.

- Presence of agriculturally productive soils

The proposed LLA would remove 14 acres of prime soil and 16 acres of nonprime soil from current parcel 3 in order to expand current parcel 1. However, these parcels, in both their current and proposed configurations, include adequate prime and other soils to be considered capable agricultural units. Due to the project site topography and physical features, the proposed LLA increases the agricultural potential of parcel 1 without sacrificing logical agricultural operational areas on current parcel 3. The proposed LLA is *better than* the current configuration in this respect.

- Eligibility of the resulting parcels for agricultural preserve contracts

Current parcel 2 is inadequately sized to enter into either a Land Conservation Act preserve or contract. Both of the larger parcels are of an adequate size in either their current or proposed configurations. Eliminating the small nonconforming parcel (current parcel 2) is an *improvement over* the existing configuration.

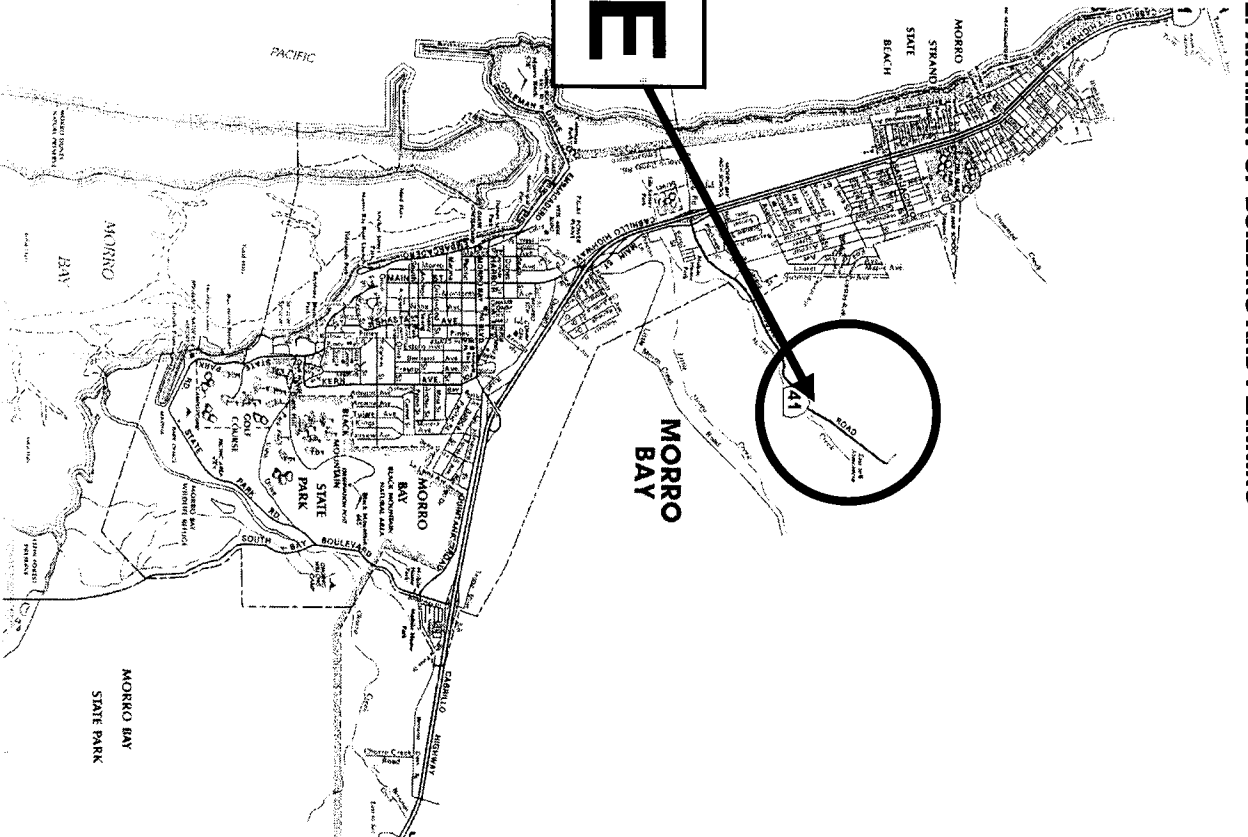
- Other issues creating incompatibility with agriculture

The proposal eliminates one parcel, reducing the potential for nonagricultural residential development in the area. Also, by utilizing a natural topographic divide, the LLA increases the likelihood of compatible uses on adjoining agricultural properties. The proposed LLA is *better than* the existing configuration in this respect.

The Agriculture Department finds that there are no significant impacts to agricultural resources due to the proposed LLA and that the proposal meets the “equal to or better than” test from an agricultural perspective.

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SITE



PROJECT

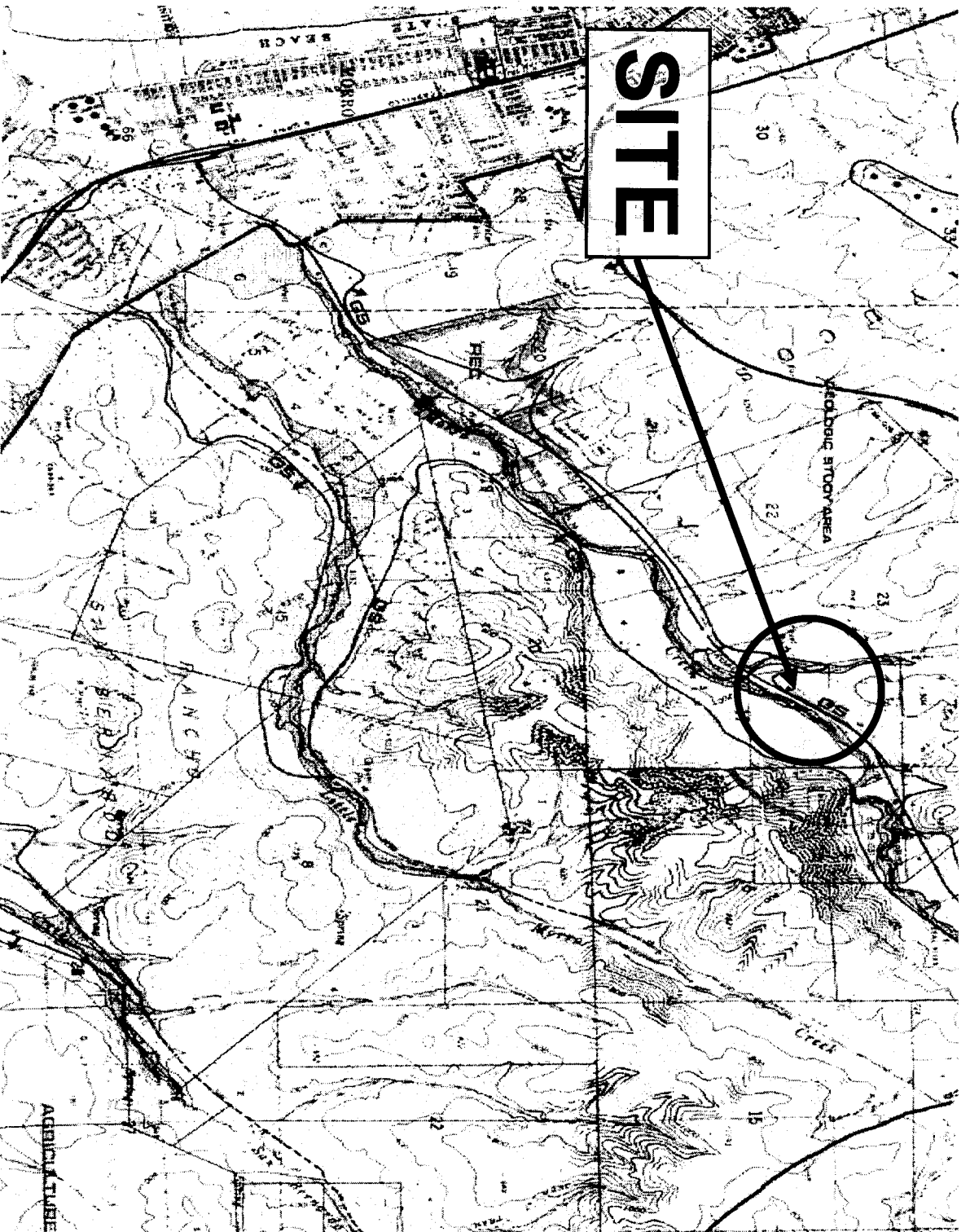
Lot Line Adjustment  
KIRST SUB2005-00098



EXHIBIT

Morro Bay Vicinity

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PROJECT

Lot Line Adjustment  
KIRST SUB2005-00098



EXHIBIT

Land Use Category

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**SITE**



**PROJECT**

Lot Line Adjustment  
KIRST SUB2005-00098



**EXHIBIT**

Aerial Photograph



Lot Line Adjustment  
KIRST SUB2005-00098



# Site Plan

